

REMARKS

This paper responds to the Office Action mailed on November 25, 2005. Claims 32, 41-42 and 45 are amended, no claims are canceled, and claims 48-49 are added. Thus, claims 1-49 are now pending in this application.

§103 Rejection of the Claims

Claims 1-9, 21, 22, 31, 32-36, 38, 42 and 47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishige et al. (U.S. 5,852,668) in view of Hartel et al. (U.S. 4,739,512). Applicant respectfully traverses.

Applicant respectfully submits that the combination of references does not show all of the claimed subject matter of claim 1. For example, Applicant is unable to find, among other things, in the cited portions of the Ishige et al. and Hartel et al. references, a parameter-select device accessible externally from the housing to select a parameter of the plurality of signal processing parameters to be adjusted, and a parameter-adjust device accessible externally from the housing to adjust the parameter selected by the parameter-select device, as recited in independent claim 1. The rejection relies on a mode selection switch to select one of a plurality of modes for compensating the hearing sense of the user as a parameter select device, and on another switch for changing the working conditions of the user's hearing sense as the parameter-adjust device. Applicant respectfully disagrees.

Applicant submits that the selection of a mode in Ishige et al. appears to be a selection of a data set (a set of parameter values stored in different memory sub-units for use to compensate hearing sense in different environments -- col. 3 lines 30-55). Applicant respectfully asserts that a parameter-select device to select a parameter to be adjusted is different from a mode selection switch to select a mode associated with a set of parameter values for use to compensate hearing sense in a particular environment. Applicant further submits that the switch to change the working conditions of the user's hearing sense appears to interpolate between parameter sets (col. 3 lines 62-67). Applicant respectfully asserts that a parameter-adjust device to adjust the parameter selected by the parameter-select device is different from a switch to interpolate between sets of parameters.

Applicant respectfully submits that the combination of references does not show all of the claimed subject matter of claim 21. For example, Applicant is unable to find, among other things, in the cited portions of the Ishige et al and Hartel et al. references, a method that includes selecting one of the parameters with a parameter-select device on an external surface of the housing, and adjusting the selected parameter with a parameter-adjust device on an external surface of the housing, as recited in independent claim 21. Applicant respectfully asserts that selecting one of the parameters with a parameter-select device is different from selecting a mode associated with a set of parameter values for use to compensate hearing sense in a particular environment, and further asserts that adjusting the selected parameter with a parameter-adjust device is different from interpolating between sets of parameters.

With respect to amended independent claim 32, Applicant is unable to find, among other things, in the cited portions of the Ishige et al and Hartel et al. references, a first memory device in the housing to store first parameters where the first parameters include full-on parameters, as recited in the claim. With respect to amended independent claim 42, Applicant is unable to find, among other things, in the cited portions of the Ishige et al and Hartel et al. references, a method that includes selecting one of a first memory device in the housing in which first parameters are stored and a second memory device in the housing in which second parameters are stored with a memory select device on an external surface of the housing where the first parameters include full-on parameters, as recited in the claim.

Claims 2-9 depend on independent claim 1 and are believed to be in condition for allowance at least for the reasons provided with respect to claim 1. Claims 22 and 31 depend on independent claim 21 and are believed to be in condition for allowance at least for the reasons provided with respect to claim 21. Claims 33-36 and 38 depend on independent claim 32 and are believed to be in condition for allowance at least for the reasons provided with respect to claim 32. Claim 47 depends on claim 42, and is believed to be in condition for allowance at least for the reasons provided with respect to claim 42.

Applicant respectfully requests withdrawal of the rejection, and reconsideration and allowance of the claims.

Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Ishige et al. in view of Hartel et al. as applied to claims 1 and 21 above, and further in view of Martin (U.S. 6,130,950). Applicant respectfully traverses. Applicant respectfully submits that the addition of Martin does not cure the deficiencies of the rejection of claims 32 and 42 using the combination of Ishige et al. and Hartel et al., as provided above. Claim 10 depends indirectly on claim 1 and is believed to be in condition for allowance at least for the reasons provided with respect to claim 1.

Claims 37, 43 and 44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Ishige et al. in view of Hartel et al. as applied to claims 32 and 42 above, and further in view of Armstrong et al. (U.S. 6,937,738). Applicant respectfully traverses. Applicant respectfully submits that the addition of Armstrong et al. does not cure the deficiencies of the rejection of claims 32 and 42 using the combination of Ishige et al. and Hartel et al., as provided above. Claim 37 depends on claim 32 and is believed to be in condition for allowance at least for the reasons provided with respect to claim 32. Claims 43-44 depend on claim 42 and are believed to be in condition for allowance at least for the reasons provided with respect to claim 42.

Allowable Subject Matter

Claims 11-20, 23-30, 39-41 45 and 46 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 11-20 depend indirectly on original claim 1, which is believed to be in condition for allowance for reasons provided above. Thus, claims 11-20 are believed to be in condition for allowance with claim 1.

Claims 23-30 depend, either directly or indirectly, on original claim 21, which is believed to be in condition for allowance for reasons provided above. Thus, claims 23-30 are believed to be in condition for allowance with claim 21.

Claims 39-41 depend on amended claim 32, which is believed to be in condition for allowance for reasons provided above. Thus, claims 39-41 are believed to be in condition for allowance with claim 32.

Claims 45-46 depend, either directly or indirectly, on amended claim 42, which is believed to be in condition for allowance for reasons provided above. Thus, claims 45-46 are believed to be in condition for allowance with claim 42.

New claim 48 includes language recited in originally-filed claims 32 and 39. Claim 39 was previously found to be allowable. Thus, Applicant submits that new claim 48 is in condition for allowance.

New claim 49 includes language recited in originally-filed claims 32 and 40. Claim 40 was previously found to be allowable. Thus, Applicant submits that new claim 49 is in condition for allowance.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6960 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

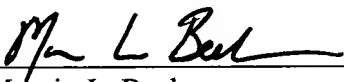
Respectfully submitted,

JOYCE ROSENTHAL

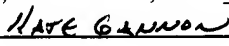
By his Representatives,

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Date 2-27-06

By 
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